

**Office Action Summary**

Application No.

09/943,180

Applicant(s)

MOORE ET AL.

Examiner

Renzo N. Rocchegiani

Art Unit

2825

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,3.5,5,6,8 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of claims 1-30 in Paper No. 9 is acknowledged. Claims 31-39 have been cancelled per amendment. Furthermore, the examiner was persuaded by applicant and has decided to group claims 1-20 within the same species and thus claims 1-20 have been examined. Claims 21-30 have also been canceled per amendment.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 5,731,235 (Srinivasan et al.) in view of European Patent No. 886308 A2 (Kobayashi et al.).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed

in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Srinivasan et al. discloses a process to form a capacitor wherein a first electrode (item 42, Fig. 9) is formed over a substrate (item 32, Fig. 9), wherein a dielectric region (items 62, 46, 47, 52 and 60, Fig. 9) is formed over the first electrode and wherein a second electrode (item 54, Fig. 9) is formed over the dielectric region. The dielectric region comprises a first oxide layer (item 62, Fig. 9) over the first electrode, a silicon nitride layer (item 46, Fig. 9) over the oxide layer, wherein the nitride layer comprises pin holes (item 47, Fig. 9), a silicon comprising layer (item 50, Fig. 6, see also item 20, Fig. 3 and col. 3, lines 37-47) is deposited over the silicon nitride, the silicon comprising layer is then nitridized to form a second silicon nitride layer (item 52, Fig. 9) without affecting the silicon comprising material inside the pin holes, finally an additional silicon oxide layer (item 60, Fig. 9) is deposited over the nitridized silicon comprising layer. Srinivasan et al. also disclose depositing the first silicon nitride layer at a temperature of 400 degree C or above (col. 3, lines 18-24).

Srinivasan et al. do not specify the use of a silicon dioxide for the silicon comprising layer and do not disclose the use of a plasma for the nitridation process. Yet, Srinivasan et al disclose that other materials known in the art may be applied for their invention (see col. 4, lines 48-55). Furthermore Srinivasan et al. discloses that silicon dioxide is not only a well known and typically preferred material in the formation of capacitor dielectric layers (see col. 1, lines 20-31) but it also is a good material to cure the pin holes in silicon nitride which is the problem they are addressing. (see col. 1, lines 43-49).

Kobayashi et al. teach the nitridation of silicon dioxide using a plasma. (See abstract).

It would have been obvious to one having ordinary skill in the specific art to combine the teachings of Srinivasan et al. to those of Kobayashi et al., and thus arrive at the claimed invention, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 SUPQ 416. Furthermore, it would have been obvious to use plasma nitridation since as taught by Kobayashi et al., using a plasma will resolve a number of problems encountered in high thermal nitridation and since plasma nitridation of silicon dioxide will result in a modified oxide layer, i.e. the formation of silicon nitride. (See Kobayashi et al., col. 2 and col. 8).

### **Conclusion**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renzo Rocchegiani whose telephone number is (703)

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308-5839. The examiner can normally be reached on Monday through Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached at (703) 308-1323. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

RNR

June 20, 2003

A handwritten signature in black ink, appearing to read 'Matthew Smith', with a stylized, cursive script.

MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800